THE HONOURABLE SRI JUSTICE P.KESHAVA RAO

CRIMINAL REVISION CASE No.147 of 2006

ORDER:

Heard the learned counsel for the petitioner. A perusal of the office record would disclose that the notice was served on the respondent No.1 with an endorsement dated 28.1.2006. However, she has not chosen to appear either in person or through an Advocate.

The facts of the case are that the revision petitioner herein originally filed a maintenance case *vide* M.C. No.15 of 2004 against the respondent No.1 herein on the file of the Additional Judicial First Class Magistrate at Kavali claiming a sum of Rs.3,000/- per month as maintenance. In the said case, the respondent No.1 was directed to pay a sum of Rs.1800/- per month to the petitioner. Aggrieved by the said orders, the respondent No.1 herein filed

Criminal Revision Petition No.21 of 2005 on the file of III Additional District and Sessions Judge, (Fast Track Court) Nellore. After hearing, the learned III Additional District and Sessions Judge reduced the maintenance amount from Rs.1800/- to Rs.850/- per month on the ground that RW-1 has admitted that he is getting gross salary of Rs. 5400/- and net salary of Rs.3200/- only, by orders dated 16.11.2005. Aggrieved by the said orders, the present Criminal Revision Case is filed.

Learned counsel for the petitioner would submit that at present, the first respondent is working as coal filler in Singareni Colories and at present his salary would have been enhanced many times and now his salary may be more than Rs.50,000/-. Further, in the present day to day circumstances due to escalation of prices, cost of living has increased enormously and with a paltry amount of Rs.850/-, it is difficult to the

petitioner to survive. Therefore, it is submitted that the maintenance amount has to be enhanced.

Since the first respondent is not appearing in spite of service of notice, there is no proof of exact salary drawn by the respondent No.1. This Court presumes that the salary of the respondent No.1 would have been Rs.20,000/- per month now.

From a perusal of the material on record and after hearing the arguments of the learned counsel for the petitioner, the undisputed facts are that the petitioner herein is legally wedded wife of the first respondent. The first respondent is working as coal filler in Singareni Colories. The learned counsel for the Revision Petitioner submits that the respondent No.1 would be getting a salary of more than Rs.50,000/- per month as his monthly salary was Rs.5,400/- in the year 2005 itself and that at present at least he would be drawing minimum net salary of

more than Rs.20,000/- per month. Keeping in view the cost of living and the rate of inflation, this Court is of the opinion that unless the maintenance amount is enhanced, it is difficult for the petitioner to survive with an amount of Rs.850/- per month. Therefore, this Court feels it appropriate to enhance the maintenance from Rs.850/- to Rs.2,500/- per month, and accordingly, it is enhanced to Rs.2,500/- per month.

In these circumstances, the criminal revision case is disposed of as indicated above.

Miscellaneous petitions pending if any, shall stand closed. No order as to costs.

JUSTICE P.KESHAVA RAO

Date:7.6.2018
slk

THE HONOURABLE SRI JUSTICE P.KESHAVA RAO

CRIMINAL REVISION CASE No.147 of 2006
Date :7.6.2018

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HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते